

AMENDED IN ASSEMBLY MAY 27, 2011
AMENDED IN ASSEMBLY MARCH 30, 2011
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 316

Introduced by Assembly Member Carter

February 9, 2011

An act to ~~amend Section 487 of~~ *add Section 487j* to the Penal Code, relating to theft.

LEGISLATIVE COUNSEL'S DIGEST

AB 316, as amended, Carter. Grand theft: copper materials.

Existing law generally provides that grand theft is theft when the money, labor, or real or personal property taken is of a value exceeding \$950. Existing law makes the amount threshold of the theft of certain items \$250, including theft of farm crops and specified agricultural products.

This bill would provide that ~~grand theft also includes the theft of copper materials exceeding a value of \$250~~ *every person who feloniously steals, takes, or carries away copper materials which are of a value exceeding \$950 is guilty of grand theft, punishable by a fine not exceeding \$2,500, or imprisonment in a county jail not exceeding one year, or imprisonment in the state prison not exceeding 16 months, or 2 or 3 years, or by both that fine and imprisonment.* ~~Because the bill would change the definition of a crime, it would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 487j is added to the Penal Code, to read:~~
2 ~~487j. Every person who feloniously steals, takes, or carries~~
3 ~~away copper materials of another, including, but not limited to,~~
4 ~~copper wire, copper cable, copper tubing, and copper piping,~~
5 ~~which are of a value exceeding nine hundred fifty dollars (\$950)~~
6 ~~is guilty of grand theft. Grand theft of copper shall be punishable~~
7 ~~by a fine not exceeding two thousand five hundred dollars (\$2,500),~~
8 ~~or imprisonment in a county jail not exceeding one year, or~~
9 ~~imprisonment in the state prison not exceeding 16 months, or two~~
10 ~~or three years, or by both that fine and imprisonment.~~

11 ~~SECTION. 1. Section 487 of the Penal Code is amended to~~
12 ~~read:~~

13 ~~487. Grand theft is theft committed in any of the following~~
14 ~~cases:~~

15 ~~(a) When the money, labor, or real or personal property taken~~
16 ~~is of a value exceeding nine hundred fifty dollars (\$950), except~~
17 ~~as provided in subdivision (b):~~

18 ~~(b) Notwithstanding subdivision (a), grand theft is committed~~
19 ~~in any of the following cases:~~

20 ~~(1) (A) When domestic fowls, avocados, olives, citrus or~~
21 ~~deciduous fruits, other fruits, vegetables, nuts, artichokes, or other~~
22 ~~farm crops are taken of a value exceeding two hundred fifty dollars~~
23 ~~(\$250):~~

24 ~~(B) For the purposes of establishing that the value of domestic~~
25 ~~fowls, avocados, olives, citrus or deciduous fruits, other fruits,~~
26 ~~vegetables, nuts, artichokes, or other farm crops under this~~
27 ~~paragraph exceeds two hundred fifty dollars (\$250), that value~~
28 ~~may be shown by the presentation of credible evidence which~~
29 ~~establishes that on the day of the theft domestic fowls, avocados,~~
30 ~~olives, citrus or deciduous fruits, other fruits, vegetables, nuts,~~
31 ~~artichokes, or other farm crops of the same variety and weight~~
32 ~~exceeded two hundred fifty dollars (\$250) in wholesale value:~~

1 ~~(2) When fish, shellfish, mollusks, crustaceans, kelp, algae, or~~
2 ~~other aquacultural products are taken from a commercial or~~
3 ~~research operation which is producing that product, of a value~~
4 ~~exceeding two hundred fifty dollars (\$250).~~

5 ~~(3) When copper materials are taken, including, but not limited~~
6 ~~to, copper wire, copper cable, copper tubing, and copper piping,~~
7 ~~of a value exceeding two hundred fifty dollars (\$250).~~

8 ~~(4) Where the money, labor, or real or personal property is taken~~
9 ~~by a servant, agent, or employee from his or her principal or~~
10 ~~employer and aggregates nine hundred fifty dollars (\$950) or more~~
11 ~~in any 12 consecutive month period.~~

12 ~~(e) When the property is taken from the person of another.~~

13 ~~(d) When the property taken is any of the following:~~

14 ~~(1) An automobile, horse, mare, gelding, any bovine animal,~~
15 ~~any caprine animal, mule, jack, jenny, sheep, lamb, hog, sow, boar,~~
16 ~~gilt, barrow, or pig.~~

17 ~~(2) A firearm.~~

18 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
19 ~~Section 6 of Article XIII B of the California Constitution because~~
20 ~~the only costs that may be incurred by a local agency or school~~
21 ~~district will be incurred because this act creates a new crime or~~
22 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
23 ~~for a crime or infraction, within the meaning of Section 17556 of~~
24 ~~the Government Code, or changes the definition of a crime within~~
25 ~~the meaning of Section 6 of Article XIII B of the California~~
26 ~~Constitution.~~